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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,886

06/14/2006

Atsushi Iisaka

2006-0943A

6769

52349

7590

03/25/2009

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

SNYDER, ADAM J

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

03/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,886	<b>Applicant(s)</b> IISAKA ET AL.	
	<b>Examiner</b> Adam J. Snyder	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/14/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 and 2** are rejected under 35 U.S.C. 102(b) as being anticipated by Nmngani (US 5,541,621).

**Claim 1**, Nmngani (Fig. 1(c), 2, and 3) discloses a track ball device, comprising:  
a ball (20);  
at least one non-contact IC chip built in the ball (38 and 44; Col. 6, Lines 13-22;  
Col. 6, Lines 6-44; wherein sensors determine x and y movement which is transmitted  
through transmitter with in ball) ; and

a reader for reading information stored in the non-contact IC chip (Fig. 5(a-b); wherein computer receives wireless transmission of x and y movements through interface card) ;

wherein the information includes information on a feature of a surface of the ball (Col. 6, Lines 13-22; wherein sensors information includes features on how surface of trackball is move in both the x and y directions).

**Claim 2**, Nmngani (Fig. 1(c), 2, and 3) discloses wherein the non-contact IC chip stores information capable of specifying a position of the non-contact IC chip itself (38 and 44; Col. 6, Lines 13-22; wherein sensors store movements in x and y directions which and is then transmitted wirelessly to computer).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nmngani (US 5,541,621) in view of Julienne (US 6,529,184 B1).

**Claim 3**, Nmngani discloses a track ball device according to claim 1.

Nmngani does not expressly disclose wherein the information on the feature of the surface of the ball represents a color.

Julienne (Fig. 16, 19, and 20) discloses wherein the information on the feature of the surface of the ball represents a color (Col. 7, Lines 28-51; wherein information to sent to computer uses color to help determine movement of track ball) .

At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Nmngani's trackball device by applying surface color, as taught by Julienne, so to use a trackball device with a surface color for providing a ball for use in a computer input device with an optically trackable spherical surface, by printing on the ball's spherical surface an ordered surface pattern area having the unique characteristics just described (Col. 2, Lines 33-42).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior Art White et al (US 2002/0075233 A1) discloses in Figure 4 a trackball that uses sensor along the surface for determining movement of internal liquid.

Prior Art Nippoldt (US 4,952,919) discloses in Figure 1 a mouse with a trackball located on the top and multiple buttons along the front (similar idea used in figure 2 of applicant's structure).

Priot Art Dietrich et al (US 6,583,783 B1) discloses in Figure 3 an input device that has IC circuitry inside used to determine movement in X, Y, and Z.

Prior Art Kataoka et al (US 6,636,200 B2) discloses in Figures 4-6 an ergonomically designed input device (similar idea used in figure 2 of applicant's invention).

Further disclosed in Figures 10-13 shows device used in automobile for control of different applications (similar idea used in figures 1 and 6 of applicant's invention).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam J. Snyder whose telephone number is (571) 270-3460. The examiner can normally be reached on M-F (8:30am-5pm) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AJS/  
Examiner, Art Unit 2629  
03/20/2009

/CHANH NGUYEN/  
Supervisory Patent Examiner, Art  
Unit 2629

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